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Attorneys for Defendants
NEXTWAVE WIRELESS INC., ALLEN
SALMASI, and GEORGE C. ALEX

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SANDRA LIFSCHITZ, On Behalf of Herself and
All Others Similarly Situated

Plaintiff,

v.

NEXTWAVE WIRELESS INC., ALLEN
SALMASI, and GEORGE C. ALEX,
Defendants.

CASE NO. 08-CV-1697-LAB (WMc)
(consol. w/3:08-CV-1934 LAB (WMc))

CLASS ACTION

**DEFENDANTS' NOTICE OF MOTION AND
MOTION TO DISMISS SECOND
AMENDED CONSOLIDATED
COMPLAINT**

*[Memorandum of Points and Authorities;
Request for Judicial Notice; Declaration of
Jessica A. Boschkee filed concurrently herewith]*

HEARING

Date: June 28, 2010

Time: 11:15 a.m.

Place: Courtroom 9

[ORAL ARGUMENT REQUESTED]

ALEX BENJAMIN, Individually and on behalf
of all others similarly situated,

Plaintiff,

v.

NEXTWAVE WIRELESS INC., ALLEN
SALMASI, and GEORGE C. ALEX,

Defendants.

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on June 28, 2010, at 11:15 a.m. in Courtroom 9 of the above-entitled Court, located at 940 Front Street, San Diego, CA 92101, before the Honorable Larry A. Burns, Defendants NextWave Wireless Inc., Allen Salmasi, and George C. Alex (“Defendants”), by and through their attorneys of record, will and hereby do move this Court for an order dismissing Plaintiff’s Second Consolidated Amended Class Action Complaint for Violation of the Securities Laws (“SAC”) for failure to state a claim upon which relief can be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (“FRCP”) and, specifically, for not meeting the pleading requirements of Rules 8 and 9(b), and the Private Securities Litigation Reform Act of 1995 (“PSLRA”).

The SAC fails to allege a valid claim for securities fraud because it: (i) seeks to impose liability for forward-looking statements that, pursuant to the PSLRA safe harbor, are not actionable; (ii) fails to allege falsity or scienter with particularity or at all; (iii) relies on insufficient allegations by confidential witnesses; and (iv) fails to adequately allege loss causation.

This Motion is based on this Notice of Motion and Motion, the concurrently filed Memorandum of Points and Authorities, Request for Judicial Notice, Declaration of Jessica A. Boschee, and any other matters of which the Court may take judicial notice, other documents on file in this action, and any oral argument of counsel.

Dated: April 30, 2010

GIBSON, DUNN & CRUTCHER LLP

By: s/Meryl L. Young

Meryl L. Young

Attorneys for Defendants NEXTWAVE WIRELESS
INC., ALLEN SALMASI and GEORGE C. ALEX

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CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2010, the attached document was electronically transmitted to the Clerk of the Court using the CM/ECF System which will send notification of such filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

- **Jessica A. Boschee**
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Executed on April 30, 2010.

s/Meryl L. Young
Meryl L. Young